

☐ Individual appearing without attorney
☒ Attorney for: Chapter 7 Trustee JOHN M. WOLFE

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

Sale Date: 06/11/2015	Time: 10:00 am
Location: 411 West Fourth Street, Courtroom 5C, Santa Ana, CA 92701	

Type of Sale: ☐ Public ☒ Private

Last date to file objections: 05/28/2015

Description of property to be sold:

Single-family residence located at 2515 San Juan Drive, Lake Havasu City, Arizona 86404

Terms and conditions of sale:

Property sold as is with no representations or warranties. Cash sale to close within seven (7) days following entry of Court Order approving sale.

Proposed sale price: \$ 100,100.00

Overbid procedure (if any): See Exhibit "A" regarding Trustee's proposed overbid procedures. It is suggested that you contact the Trustee or his counsel, Richard Barnett at Barnett & Rubin, whose contact information is set forth on page 1, as soon as possible if you are interested in overbidding and not later than seven (7) days prior to the hearing.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

The hearing information is set forth above. The hearing date is designated as the "Sale Date."

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Richard L. Barnett
Barnett & Rubin, A Professional Corporation
5450 Trabuco Road
Irvine, California 92620
Phone: (949) 261-9700
Facsimile: (949) 261-9799
rick@barnettrubin.com

Date: 05/21/2015

EXHIBIT "A"

TRUSTEE'S PROPOSED OVERBID PROCEDURES

The Trustee requests that the Court approve the following overbid procedures:

a. Only qualified bidders may submit an overbid. A "qualified bidder" is one who provides evidence of available funds and/or pre-qualification for any loan upon which the bidder will rely in funding the bid and such business and banking references as are required in Trustee's reasonable discretion sufficient to assure Trustee of the bidder's ability (based upon availability of financing, experience or other conditions) to consummate the purchase of the Property, AND one who can consummate the purchase of the Property on the same terms and conditions, other than price, as those proposed in the purchase agreement.

b. Each bid must be all cash to the estate, non-contingent, and upon the same or better terms and conditions, other than price, as those proposed in the purchase agreement.

c. All interested bidders must contact Trustee's counsel no later than 14 days following the service of notice of this motion and provide proof of funds and/or loan qualification to allow Trustee sufficient time to confirm that proof.

d. The initial minimum overbid must be at least \$2,500.00 over the base-line offer of \$100,100.00 or \$102,600.00. Subsequent bidding increments shall be \$1,000.00, or such increments as the Court may establish.

e. A qualified bidder must agree to pay into escrow, in addition to the purchase price, an amount up to \$500.00 for the reimbursement of the actual case-related expenses of buyer (including inspection and appraisal fees), pursuant to an appropriate demand and subject to Trustee's review and approval prior to distribution.

f. A qualified bidder must be prepared to make an "earnest money" deposit of \$5,000.00 before confirmation of the sale by the Court. Trustee will not request confirmation of any bid without the deposit.

g. A qualified bidder must be prepared to close escrow within seven (7) court days following the hearing on the motion, with the remaining sales proceeds transferred to

1 escrow in time to confirm the funds before closing. All funds must be in the form of cashier's
2 checks or certified funds or may be wire-transferred by arrangement with Trustee.

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
5450 Trabuco Road, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 05/21/2015, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:
Richard L. Barnett rick@barnettrubin.com, kelly@barnettrubin.com
Christopher J. Langley chris@lingleylegal.com, ecflf@gmail.com, G9715@notify.cincompass.com
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
John M. Wolfe (TR) john.wolfe@txitrustee.com, ecf.alert+jmwolfe@titlexi.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 05/21/2015, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtors: Michael Albert Hilgenberg, Shellie Dee Hilgenberg, 25512 Alisal Ave., Laguna Hills, CA 92653-5221
Judge's copy: The Honorable Scott Clarkson, United States Bankruptcy Court, Ronald Reagan Federal Building, 411 West Fourth Street, Suite 5130, Santa Ana, CA 92701

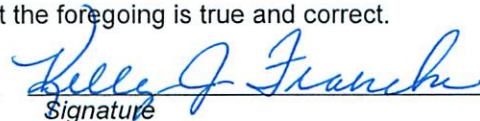
☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

05/21/2015 KELLY J. FRANCKE
Date Printed Name


Signature